

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – October 3, 2006**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Van Deursen, Woykowski, Turner, Buoye, Housel and Glaser – Present  
Oakley - Absent

Also Present: Richard J. Sheola, Borough Manager  
Richard P. Cushing, Esq., Borough Attorney  
Kristine D. Blanchard, RMC, Borough Clerk

The flag salute was led by Mayor Van Deursen.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law of 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

**Council Appearance**

**Barbara Rose – Library Director**

Barbara Rose brought Council up to date on the recent vandalism incidents at the library. The most recent incident occurred this evening at approximately 5:15 p.m. when several children started a fire in the library. Luckily the police chief found the book that was smoldering on the bookshelves. The child was apprehended before the police left the scene. Ms. Rose explained to Council that this is just one of many recent acts of vandalism at the library over the past year. Additionally, two chairs in the library were ripped, the front door was damaged, and a window was broken. Manager Sheola requested a breakdown of the costs associated with the damage at the library. Since the damages now exceed \$1,000.00 the Borough will be able to submit them to the insurance company.

Mayor Van Deursen expressed her concern over the escalating vandalism at the library. She stated these acts of violence are inexcusable and a disgrace.

Councilman Turner suggested security cameras be placed at the library. Ms. Rose stated that she is looking into this however, she would need help in paying for the cameras. Manager Sheola will check the technology budget; there may be funds available to help pay for the security cameras.

Ms. Rose informed Council that Carol McNeil retired earlier this year. She is continuing the search for her replacement and has more interviews scheduled next week.

The library received a grant from the Department of Community Affairs and now has nine internet computers. Wireless connectivity was implemented in July using a grant from the Highlands Regional Library Cooperative and the NJ State Library.

Ms. Rose explained to Council that reciprocal borrowing has begun with libraries in Sussex, Morris, Bergen and Passaic counties. Warren County library refuses to participate in the open borrowing agreement with Washington or Hackettstown.

Ms. Rose stated that so far this year the circulation statistics appear to be up by 6% for 2006. The library's collection of DVD's continues to grow due to the popularity of that program. The library's 2006 programs include several craft programs, children's story hour, a summer reading program, and computer clinics for adults.

Ms. Rose informed Council that as the library director she is a member of the Local Advisory Board of the National First Book Program which is designed to provide children of low income parents with their own books. Ms. Rose informed Council of the library's new website: [www.washboropl.org](http://www.washboropl.org).

Councilman Housel stated that he would like to see the juvenile responsible for starting the fire this evening charged with arson and destruction of public property with no plea bargain. Councilman Housel stated that he would like to send a very clear message that this behavior will not be tolerated. He also would like to see the juvenile pay for the damages at the library.

Attorney Cushing suggested writing a letter to the prosecutor from the Mayor and Council expressing their outrage and requesting that the judge take stringent methods in this matter. Attorney Cushing explained that restitution to the Borough is usually part of the penalty.

Councilman Turner inquired as to why Council is not being informed right away when vandalism takes place. Manager Sheola stated that both he and the Library Director include these reports of vandalism in their monthly reports.

A brief discussion on the type of security camera to be purchased was held and Council and Mayor Van Deursen concluded that this topic should be addressed with the Library Board.

Mayor Van Deursen thanked Barbara Rose for her thorough report on the library's activities.

## **MINUTES:**

### **Regular Meeting – September 19, 2006**

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting of September 19, 2006.

Councilwoman Woykowski requested a change in wording on page thirteen. Council and Manager Goals should state specific target dates rather than "ongoing".

Hearing no further corrections or changes, it was moved by Glaser, seconded by Turner that the minutes of September 19, 2006 be approved.

Roll Call: Woykowski, Buoye, Glaser, Turner, Housel and Van Deursen.

Ayes: 6, Nays: 0.  
Motion Carried

**COMMUNICATIONS:**

The following communications were entered into the Record:

1. NJLM Re: 2006 League Conference Resolutions
2. NJLM Re: Consulting Period on General Municipal Topics at the Annual Conference – Thursday November 16, 2006.
3. NJLM Re: Incident Command for Executives - October 19, 2006
4. NJLM Re: How to put State Resources for Affordable Housing to work for your Community – October 12, 2006
5. Comcast Fax Re: UCC Charge
6. NJLM Re: Application of New Sales Tax Provisions
7. NJLM Re: Federal Legislation Defeated
8. Sussex County League of Municipalities: Date, Location, Dinner Cost Change
9. NJLM Re: Response to Council on Mandates Ruling on Deer Carcass Removal
10. Dale E. Parichuk Re: Myrtle Ave.

Hearing no comments it was moved by Glaser, seconded by Housel that the communications numbered #1 thru #10 be acknowledged, received and filed.

Ayes: 6, Nays: 0.  
Motion carried.

**AUDIENCE:**

Mayor Van Deursen entertained remarks from the audience on items that do not appear on the meeting agenda.

**Kevin Turner 41 Grand Avenue** – Mr. Turner appeared before Council to summarize the recent events surrounding the damage to his car during the construction on Grand Avenue. Mr. Turner expressed his dissatisfaction with the way the Borough handled his claim. Attorney Cushing explained to Mr. Turner that unfortunately the town had exhausted all of its resources to try and resolve the issue for Mr. Turner. The only recourse Mr. Turner has now is to file a claim in small claims court against Dulaine Contracting in order to be reimbursed for the damage to Mr. Turner's car.

Mr. Turner inquired as to the status of the OPRA request filed with the town in August of 2006 in regards to pictures taken by the Borough Engineer. Unfortunately,

Manager Sheola does not have a copy of the OPRA request and will follow up with to try and find out what happened to the request.

**Henry Barends – 44 Willow Street -** Mr. Barends informed Council that he met with the Borough Manager and a representative from the Department of Environmental Protection on September 19, 2006. To date nothing has been done to clear away the overgrown vegetation behind his property on Willow Street. Mr. Barends asked Manager Sheola for a status of the letter that was sent to the D.E.P. requesting that some of the vegetation be removed by hand.

Manager Sheola explained to Council and Mr. Barends that a letter had been sent to the D.E.P. requesting to clean the area by hand to help alleviate some of the overgrown vegetation. Manager Sheola explained that the Borough is still waiting to hear back from the Department of Environmental Protection to see if they will allow cleaning the area by hand.

**Matt Edmunds 6 Hann Terrace -** Mr. Edmunds stated he is appearing before Council this evening to express his dissatisfaction with the Borough Engineer. Mr. Edmunds explained that the sidewalk in front of his home needs to be repaired however, if the Borough is planning on repaving Hann Terrace he will not repair the sidewalk but instead will wait for the Borough to make the necessary repairs during the repaving process. Mr. Edmunds telephoned the Borough Engineer four times this summer to obtain a list of planned projects for the Borough and has not had a response.

Mayor Van Deursen apologized to Mr. Edmunds for the Borough Engineer not getting back to him in a timely fashion. Manager Sheola told Mr. Edmunds to phone his office in the morning and he will provide him with a list of planned Borough projects.

**Grace McGinnis 57 Grand Avenue -** Ms. McGinnis suggested to Council that next year the town wide yard sale should coincide with bulk pick up week. Residents will easily be able to throw away unsold items during bulk pick up. Council will pass the information along to the Business Improvement District Director, Jim Sheldon to arrange for next year.

Hearing no further remarks from the audience, it was moved by Glaser, seconded by Housel that the audience portion of the meeting be closed.

Ayes: 6, Nays: 0.

Motion carried.

## **ORDINANCES:**

**Ordinance 18-2006 – An Ordinance of the Borough of Washington to Amend Sections of Chapter 35 – Dogs and Cats. (First Reading)**

An Ordinance of the Borough of Washington to amend sections of Chapter 35 – Dogs and Cats was introduced by Councilman Housel.

It was further moved by Housel, seconded by Turner that the Clerk read Ordinance 18-2006 by title only.

Roll Call: Woykowski, Buoye, Housel, Turner, Glaser, and Van Deursen.

Ayes: 6, Nays 0  
Motion Carried.

The Clerk read “Ordinance 18-2006 An Ordinance of the Borough of Washington to Amend Sections of Chapter 35 – Dogs and Cats.

Council Discussion:

Councilman Turner questioned the licensing age for dogs and cats within the Borough. Animal Control Officer, Betty Wysocki explained that the licensing age is six months.

Mayor Van Deursen entertained a motion to approve Ordinance 18-2006 on First Reading.

It was therefore moved by Housel, seconded by Turner that Ordinance 18-2006 be passed on first reading.

Roll Call: Woykowski, Turner, Buoye, Housel, Glaser, and Van Deursen.

Ayes: 6, Nays: 0  
Motion Carried.

It was further moved by Glaser, seconded by Housel that Ordinance 18- 2006 be published in the Star Gazette on October 12, 2006 and a public hearing be scheduled for November 6, 2006.

Roll Call: Turner, Glaser, Van Deursen, Buoye, Housel, and Woykowski.

Ayes: 6, Nays: 0  
Motion Carried.

## **REPORTS**

It was moved by Glaser, seconded by Buoye that the Borough Managers Report, Borough Clerk’s Report, Veolia Monthly Report, Municipal Court, Appropriation

Summary, Highway Department Report, Zoning Report, and the Landlord Registration Report be accepted as presented and filed.

**Council Discussion:**

Mayor Van Deursen stated she liked the new format of the Manager's Report. Councilman Turner also stated that the new format was an improvement.

Councilman Housel reminded Manager Sheola about the Van Cleef agreement and that he wants to see it on a future agenda for consideration.

Councilman Turner asked Manager Sheola if sewer billing was a topic of discussion at the water resources meeting. Manager Sheola explained that the meeting was held with the production team and not the sewer billing team. Councilman Turner asked if there was an explanation as to why American Water wanted to turn the water off during the fire at the Antique Store. Manager Sheola explained that the main tank was down to just a few feet of water. American Water needed to bring water in from Oxford to replenish the tank during the fire.

Roll Call: Woykowski, Turner, Housel, Buoye, Glaser, and Van Deursen.

Ayes: 6, Nays: 0

Motion Carried.

**VOUCHERS:**

Mayor Van Deursen entertained additions or questions of the vouchers and claims for payment.

**Council Discussion:**

Councilman Housel stated that the prior Appropriation Control Report reported a charge of \$25,000.00 for paving in the Road Department Account. That charge left a balance of \$5,800.00 in that account. Councilman Housel stated that the new report Appropriation Control Report reflects a balance of \$36,000.00. Manager Sheola explained that the original \$25,000.00 was probably charged to the wrong account, and was transferred to the appropriate capital account. That is why the balance in the Road Department Account changed.

Councilwoman Glaser stated that in looking at the most current report she does not believe all of the encumbrances have been recorded and would like Manager Sheola to review. Councilwoman Glaser also asked Manager Sheola if a spending freeze has been put into place. She stated it would be a good idea for the departments to encumber the funds now that they anticipate spending through the end of the year.

Councilman Turner questioned the repair of the Borough Garage door for \$750.00, which is currently on the bill list to be paid. Councilman Turner asked Manager Sheola to find out what exactly was repaired on the door. He also asked Manager Sheola about the \$2,640.00 spent to replace the four loader tires. Councilman Turner was under

the impression the cost would be \$2,300.00 for two tires. Manager Sheola will clarify these items for Councilman Turner.

Councilman Housel asked for clarification on the leaf pick up procedures. He inquired whether or not the Department of Public Works will pick up the leaves if they are in the street. Manager Sheola stated that this year leaf pick up is part of the garbage collection and all leaves must be placed curbside in biodegradable bags. However, if it was a matter of safety the Borough would pick the leaves up. Councilman Turner suggested a press release go out in regards to the leaf pick up procedures.

Hearing no further comments or questions it was moved by Glaser, seconded by Housel that the vouchers and claims be approved for payment in the amount of \$456,582.82 as reflected in the debit/credit memorandum on file in the collector/Treasurer's office.

Roll Call: Woykowski, Glaser, Housel, Buoye, Turner, and Van Deursen.

Ayes: 6, Nays: 0.

Motion Carried.

## **OLD BUSINESS**

### **Budget Estimate 2007 –**

Manager Sheola explained to Council that this is a rough estimate of what the 2007 Budget could possibly look like. Manager Sheola stated the departmental budgets are due on November 22, 2006. He also explained that the ratable base for next year is not available until January 10, 2007 and the Borough will not see anything from the state regarding state aid until around December or January.

Manager Sheola stated given these restraints he developed a budget using 2006 departmental expenses and the contractual salaries. Manager Sheola explained he used the 2006 ratable base plus whatever added assessments the assessors office had. He used this information to come up with a presumed tax rate vs. and the possible impact on the average home in the Borough. Manager Sheola stated he can't express enough that this was just an exercise, these numbers will definitely change between now and the time Council is given an executive budget in the middle of January.

Councilwoman Woykowski asked Manager Sheola if this is the budget analysis she had been requesting. Manager Sheola stated he understood the request was to come up with 2007 estimated budget. Councilwoman Woykowski said this topic is probably better suited to a workshop discussion.

### **Vision for Washington -**

Manager Sheola reported that this list was a project and goal "wish list" for the Borough of Washington throughout the next ten years. He explained that this is not all encompassing; some are realistic and some are conceptual goals.

Councilwoman Glaser stated she believes that this topic and the Budget Analysis topic that Councilwoman Woykowski is asking for all tie together and is probably best discussed in a workshop session where we can address all of the major issues.

Mayor Van Deursen requested that Council review these documents along with the charts that the Manager had given Council at the last meeting and be prepared to discuss at the Council work session.

## **NEW BUSINESS**

### **October Work Session**

Council briefly discussed dates and times for the Council work session to be held in October. Council concurred that the Council Work Session will be held on October 24, 2006 from 8:00 p.m. – 10:00 p.m.

Roll Call: Woykowski, Turner, Housel, Buoye, Glaser, and Van Deursen.

Ayes: 6, Nays: 0

Motion Carried

Councilwoman Woykowski brought to Council's attention an item in the Manager's Report regarding the Warren Morris Council of Governments recent discussion of shared services of a Construction Code Official. Councilwoman Woykowski would like Council to discuss the pros and cons of possibly entertaining a shared services agreement for a Construction Code Official.

Councilman Turner stated that right now the Borough uses the Department of Community Affairs Construction Code Official. This currently is not an expense for the Borough. The state handles construction, electrical, plumbing and fire.

Councilman Housel stated that he did not want to create an additional expense for the Borough.

Councilwoman Glaser said that this is a topic that Council could briefly touch upon during the workshop meeting on October 24, 2006. Manager Sheola will try to find out what other towns are doing as far as construction officials. Councilman Housel and Councilman Turner concurred that it is not beneficial for the Borough to explore this topic. There is no reason to create an additional expense for the taxpayers of Washington.

## **Resolution 213-2006**

The following Resolution was moved on a motion made by Councilman Housel, seconded by Councilman Buoye and adopted.

Roll Call: Turner, Buoye, Woykowski, Glaser, Housel, and Van Deursen.

Ayes: 6, Nays: 0  
Motion Carried.

**RESOLUTION # 213-2006**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM STREET  
OPENING ESCROW ACCOUNT HELD IN TRUST BY THE BOROUGH OF  
WASHINGTON**

WHEREAS, Warren Thompson, Apple Mountain Associates, has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

WHEREAS, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to Apple Mountain Associates, 434 Buckhorn Drive, Belvidere NJ 07823 in the amount of 1,000.00 from the Street Opening Account.

**Resolution 214-2006**

The following Resolution was moved on a motion made by Councilwoman Glaser seconded by Councilman Housel and approved.

Roll Call: Woykowski, Housel, Turner, Buoye, Glaser, and Van Deursen.

Ayes: 6, Nays: 0  
Motion Carried.

**RESOLUTION 214-2006**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM STREET  
OPENING ESCROW ACCOUNT HELD IN TRUST BY THE BOROUGH OF  
WASHINGTON**

**WHEREAS**, Leonides Rosado has posted review and/or inspection fees in the amount of \$1000.00 with the Borough of Washington prior to a street opening; and

**WHEREAS**, these funds were posted in the Street Opening Account to cover the cost of review and/or inspection services; and

**WHEREAS**, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to Leonides Rosado PO Box 296 Glen Gardner NJ in the amount of 1,000.00 from the Street Opening Account.

**Resolution 215-2006**

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilman Housel and approved.

Roll Call: Woykowski, Housel, Glaser, Turner, Buoye, and Van Deursen.

Ayes: 6, Nays: 0

Motion Carried.

**RESOLUTION #215-2006**

**A RESOLUTION TO REFUND OVERPAYMENT ON 2006 CURRENT YEAR  
REAL ESTATE TAXES.**

**WHEREAS**, according to the Tax Collector's records there is an overpayment of \$774.21 on 2006 3<sup>rd</sup> Quarter Regular Taxes paid on property located at 104 E Washington Avenue, also known as Block 025.01 Lot 4, and in the name of McLaughlin Thomas J.; and

**WHEREAS**, National City paid the 2006 3<sup>rd</sup> Quarter Regular Taxes on August 7, 2006 on behalf of the new homeowner G. Jacob and First American Real Estate Tax Service paid on August 16, 2006 for Thomas J. McLaughlin which created the overpayment; and

**WHEREAS**, the Tax Collector has received a written request from First American Real Estate Tax Service requesting that the tax overpayment be refunded.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$774.21 payable to:

First American Real Estate Tax Service  
95 Methodist Hill Road  
Suite100  
Rochester NJ 14623

**Resolution 216-2006**

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilman Housel and approved.

Roll Call: Woykowski, Housel, Buoye, Turner, Glaser, and Van Deursen.

**RESOLUTION # 216-2006**

**A RESOLUTION TO REFUND OVERPAYMENT ON 2006 CURRENT YEAR  
REAL ESTATE TAXES.**

**WHEREAS**, according to the Tax Collector's records there is an overpayment of \$1,580.84 on 2006 3<sup>rd</sup> Quarter Regular Taxes paid on property located at 12 McKinley Avenue, also known as Block 46 Lot 7, and in the name of Lounsbury, Bruce M. and Lisa K.; and

**WHEREAS**, Attorney Farino paid the 2006 3<sup>rd</sup> Quarter Regular Taxes on July 28, 2006 on behalf of the new homeowner Mauro and First American Real Estate Tax Service paid on August 16, 2006 for Lounsbury, Bruce M and Lisa K. which created the overpayment; and

**WHEREAS**, the Tax Collector has received a written request from First American Real Estate Tax Service requesting that the tax overpayment be refunded.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the amount of \$1,580.84 payable to:

First American Real Estate Tax Service  
95 Methodist Hill Road  
Suite100  
Rochester NJ 14623

**Resolution 217-2006 – 220-2006**

The following Resolutions were moved on a motion made by Councilwoman Glaser, seconded by Councilman Buoye and approved.

Roll Call: Woykowski, Housel, Buoye, Turner, Glaser, and Van Deursen.

Ayes: 6, Nays: 0

Motion Carried.

**RESOLUTION 217-2006**

**A RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL.**

**WHEREAS**, the Tax Collector has received a Tax Court Judgment for the years 2005 and 2006 for the property listed below:

<b><u>Block</u></b>	<b><u>Lot</u></b>	<b><u>Owner/Property Location</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>
083	005	Washington Plaza Assoc	3R2005 Tax	5,520.00
		C/O DJ Mgt 66 Park Ave	4R2005 Tax	5,520.00
			3R2006 Tax	9,657.50
			Total	20,697.50

Refund Payable to: Wolf Block and Washington Plaza Assoc LP 101 Eisenhower Parkway, Roseland NJ 07068.

**WHEREAS**, due to Tax Court Judgment #001034-2005 the assessed value for the improvements has been reduced in 2005 from 4,007,000 to 3,707,000 and due to Tax Court Judgment #0023543-2006 in 2006 from 4,007,000 to 3,507,000 which changes the amount of taxes due thus creating the overpayments.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the above tax overpayment.

**Resolution 218-2006**

**RESOLUTION # 218-2006**

**A RESOLUTION AUTHORIZING THE REFUNDING OF AN OVERPAYMENT OF THE BOROUGH'S SEWER SERVICE CHARGE**

**WHEREAS**, according to the Treasurer's records, there is an overpayment showing on the following property; and

<b><u>Block/Lot</u></b>	<b><u>Property Owner</u></b> <b><u>Property Location</u></b>	<b><u>Refund</u></b>
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95/7

Jimmy Lu's II, LLC  
1 West Washington Ave

\$382.50

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$382.50 should be mailed to:

Jimmy Lu's II LLC  
7 Portside Road  
Hopatcong NJ 07843

**Resolution 219-2006**

**RESOLUTION # 219-2006**

**A RESOLUTION TO REFUND TAX MONIES PER TAX COURT APPEAL.**

**WHEREAS**, the Tax Collector has received a Tax Court Judgment for the year 2006 for the property listed below:

<b><u>Block</u></b>	<b><u>Lot</u></b>	<b><u>Owner/Property Location</u></b>	<b><u>Year</u></b>	<b><u>Amount</u></b>
023	004	20 W. Washington LLC 9 W Church St	2006 Taxes	1,421.83
			Total	1,421.83

Refund Payable to: Michael A. Vespasiano, Attorney Trust Account, 150 Morris Avenue  
Springfield NJ 07081

**WHEREAS**, due to Tax Court Judgment #004849-2006 the assessed value for the improvements has been reduced in from 809,500 to 737,600 which changes the amount of taxes due thus creating the overpayments.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the Tax Collector and Treasurer to refund the above tax overpayment.

**Resolution 220-2006**

**RESOLUTION 220-2006**

**A RESOLUTION AUTHORIZING THE REFUNDING OF  
AN OVERPAYMENT OF THE BOROUGH'S  
SEWER SERVICE CHARGE**

**WHEREAS**, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>Block/Lot</u>	<u>Property Owner</u> <u>Property Location</u>	<u>Refund</u>
2.06/6	Chad & Kelly Eden Corner 351 North Prospect St	\$43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$43.00 should be mailed to:

Chad & Kelly Eden Corner  
121 Washburn Avenue  
Washington NJ 07882

**Resolution 221-2006**

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Buoye and approved.

**Council Discussion:**

Mayor Van Deursen explained that this Resolution came about as a concern raised by a citizen. The resolution was not passed previously due to an oversight at the time the Borough Manager was hired.

Councilman Housel voiced his concerns over passing this Resolution and feels that the Borough Manager should live in Washington Borough.

Councilwoman Glaser stated that it would be an expense to the Borough of Washington to pay to relocate the Borough Manager.

Audience member Lori Finnegan stated that she was under the impression that it was a state law that the Borough Manager reside in the municipality he is employed by. Attorney Cushing stated that the requirement can be waived by Resolution. Councilman Turner stated that he agrees it is not practical to have the Borough Manager relocate when he only lives one town away. Councilman Turner asked Attorney Cushing if it is legal to have the Manager live outside of the Borough. Attorney Cushing confirmed that yes it is legal to pass this Resolution and have the Borough Manager live in a different town.

Roll Call: Housel, Buoye, Woykowski, Turner, Glaser, and Van Deursen.

Ayes: 4, Buoye, Van Deursen, Turner, and Glaser.

Nays: 2, Woykowski, and Housel.

Motion Carried.

**RESOLUTION # 221-2006**

**A RESOLUTION APPROVING RESIDENCY OF BOROUGH MANAGER**

WHEREAS, New Jersey Statutes Annotated 40:82-2 provides for a residency requirement for a Municipal Manager; and

WHEREAS, New Jersey Statutes Annotated 40:82-2 provides for a waiver of the residency requirement upon approval of the municipal council; and

WHEREAS, The Borough Council agreed when it appointed Richard Sheola as Borough Manager that residency would not be required since the proximity of his residence is within a reasonable distance from the Borough of Washington, the cost and expense of relocation of the Manager to the Borough would be substantial and the inconvenience to the Manager and his family to relocate would be significant; and

WHEREAS, The Mayor and Council of the Borough of Washington hereby confirm and permit the out of town residency of the Borough Manager Richard Sheola; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County Warren, State of New Jersey waive the residency requirement of N.J.S.A. 40:82-2 for the Borough Manager, Richard Sheola.

**Resolution 222-2006**

The following Resolution was tabled until the October 17, 2006 meeting when the Borough Engineer will be present.

**Resolution 223-2006**

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilwoman Buoye and approved.

Roll Call: Woykowski, Housel, Turner, Buoye, Glaser, and Van Deursen.

Ayes: 6, Nays: 0

Motion Carried.

**Resolution 223-2006**

**RESOLUTION PURSUANT TO N.J.S.A 12-13.1 APPROVING PUBLIC SALE OF  
PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE, BY THE  
BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON,  
COUNTY OF WARREN, STATE OF NEW JERSEY**

**WHEREAS**, the Borough of Washington is in possession of certain personal property which is no longer needed for public use; and

**WHEREAS**, the Borough of Washington is desirous of selling such property by holding an internet based public sale at auction on e-Bay to the highest bidder, pursuant to N.J.S.A. 40A:12-13 (a); and

**WHEREAS**, such sale must be authorized by Resolution, pursuant to N.J.S.A 40A: 12-13.1:

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, that they do hereby authorize the sale of all property set forth in the annexed exhibit A, which is hereby incorporated by reference herein, by open Internet sale at auction via e-bay to the highest bidder; and

**BE IT FURTHER RESOLVED**, that such shall be held under the following conditions:

- a. as to each item, the Borough of Washington will comply with the terms of sale as set forth by e-bay;
- b. Each item may have a minimum price, as set forth by e-Bay;
- c. Each item listed is sold “as-is/where-is” with no warranties or guaranties, whether expressed or implied given.

EXHIBIT A

INTERNET AUCTION

OCTOBER 2006

ITEM	VEHICLE IDENTIFICATION NUMBER	MILEAGE	MIN PRICE
1983 Ford F800 Dump Truck	1FKYK74C3PVA22836	22,836	\$3,000
Kubota Tractor LT245DT		1,909 Hrs.	\$1,000
Eclipse Police BC-A-533083		n/a	\$100

Bike

Eclipse Police not found  
Bike

n/a

\$100

**Resolution 224-2006**

The following Resolution was moved on a motion made by Councilwoman Glaser, seconded by Councilman Turner and approved.

Council Discussion: Council concurred that given the circumstances it would be best to not charge interest for six months from date of billing.

**Resolution 224-2006**

**RESOLUTION TO WAIVE SEWER INTEREST**

**WHEREAS**, A Washington Borough property did not have a sewer account activated by Veolia Water when the property changed ownership. The new owners of Block 2.06 Lot 6 located at 351 North Prospect Street, never received a sewer invoice since November 2005; and

**WHEREAS**, Veolia Water has created an account for the above property which will take effect in the October sewer billing period. The charges will date back from November 2005 through October 2006 resulting in a balance of \$532.00. The property owners, Jeffery & Meribeth Domenic will receive notification that interest charges will begin to accrue in April 2007 billing cycle.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, to hereby authorize the waiving of interest on the delinquent sewer charges due to the above unusual circumstances.

**BE IT FURTHER RESOLVED**, that the Borough Treasurer be directed to send a copy of this resolution to Veolia Water North America and to Mr. & Mrs. Jeffery Domenic.

**Resolution 225-2006**

The following Resolution was moved on a motion made by Councilman Housel, seconded by Councilman Buoye and approved.

**Resolution 225-2006**

**RESOLUTION 225-2006**



probably just professional judgment as to which program the Borough Engineer feels is best for the Borough to apply for.

Councilman Buoye: None

Councilman Housel: Councilman Housel inquired as to the status of illegal sewer hook-ups in the Borough. Councilwoman Glaser stated that these people must prove compliance or they will be charged additional fees. Councilman Housel suggested sending a letter to the affected homeowners stating that they have had a year to comply with the initial request and will begin to be charged as of a certain date.

Councilwoman Woykowski asked Business Improvement District Director, Jim Sheldon about the minutes of the BID Board of Directors. Mr. Sheldon stated he had e-mailed the minutes to Borough Clerk, Kristine Blanchard. She advised Council she will send the minutes via e-mail in the morning. Councilwoman Woykowski also requested that the Borough Manager keep Council updated on the situation with the library. Councilwoman Woykowski stated that she is also not satisfied with the answers she received in reference to the Green Acres Loan and would like to see this discussed as soon as everyone has had a chance to become familiar with the material.

Mayor Van Deursen: None

### **RECAP**

Manager Sheola will follow up with the library situation to see if there is money available for a security camera. The bike rack should be removed from the back of the library. In addition the Library Director, Barbara Rose will forward all invoices to the Borough Manager for damages to the library.

Manager Sheola will follow up with Mr. Turner's OPRA request and be sure that Mr. Barends is copied on all correspondence in regards to the drainage ditch. Manager Sheola will also ask the Borough Engineer if a french drain could be installed at the location.

Manager Sheola will also obtain the vouchers requested by Councilman Turner and issue a press release in reference to the leaf collection process for this year.

Manager Sheola will draft a letter to the prosecutor in reference to the fire at the library for Council to sign.

Councilwoman Woykowski noted she wants to see amortization tables for the Railroad Avenue Park and the Borough Pool in reference to the Green Acres Loan to see where the mix up occurred.

Mayor Van Deursen stated that she would like Manager Sheola to research both of these loans and provide Council with all of the information that he has on them.

**EXECUTIVE SESSION:**

It was moved by Councilwoman Glaser, seconded by Councilwoman Buoye that Council go into Executive Session.

Roll Call: Glaser, Turner, Van Deursen, Woykowski, Buoye, and Housel.

Ayes: 6, Nays: 0.  
Motion Carried.

**RESOLUTION 226-2006**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
  - Potential Litigation
  - Contract Negotiations

It was moved by Glaser, seconded by Buoye that Council go out of Executive Session and back into open session at 11:00 p.m.

Ayes: 6, Nays: 0.  
Motion Carried.

At this time Mayor Van Deursen entertained a motion not to enter into negotiations with Mr. Henshaw and his clients Baker Residential. If Mr. Henshaw's clients are still interested in pursuing the Borough they must follow proper procedures.

It was moved by Councilwoman Glaser, seconded by Councilwoman Woykowski to not enter into discussions with Mr. Henshaw or his clients.

Roll Call: Woykowski, Glaser, Turner, Van Deursen, Housel, and Buoye.

Ayes: 6, Nays: 0.

Motion Carried.

Hearing no further business to come before the governing body, it was moved by Glaser, seconded by Turner that the meeting be adjourned.

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Marianne Van Deursen  
Mayor

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Kristine Blanchard, RMC  
Borough Clerk